IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

CRL.A.No. 725 of 2001()

CC.505/2000 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR
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APPELLANT: COMPLAINANT

P.A.DAVIS, S/O.ANTHONY,
THEKKINIYATH PAZHAYIL HOUSE,
ST.JOSEPH STREEET, KOORKENCHERRY,
CHIYYARAM, THRISSUR.

BY ADV. SRI.V.B.UNNIRAJ

RESPONDENTS: ACCUSED
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1. **SIMON, S/O.THALAKKETTUR ITTERA,**
   ST.THOMAS STREET, KURIYACHIRA,
   OLLUR, THRISSUR.

2. **STATE OF KERALA, REP.BY THE PUBLIC**
   PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.725 of 2001

DATED THIS THE 30th DAY OF JULY 2007

JUDGMENT

Appellant is the complainant in C.C..No.505/2000, the proceedings initiated under section 138 of the Negotiable Instruments Act in which the accused was acquitted under section 256(1) Cr.P.C. It is submitted that the complainant could not appear on the particular day due to the wrong noting of the posting date.

2. In the circumstances, the appeal is allowed. The order of the court below is set aside. The court below is directed to permit the complainant to further pursue the matter and dispose of the case on merits.

The complainant shall appear before the JFCM-III, Thrissur on 30-8-2007. The court below shall issue fresh summons to the accused.

(K.R.UDAYABHANU)

JUDGE.

kvm/-

K.R.UDAYABHANU, J.

CRL.A.No.725 of 2001.

JUDGMENT

30-7-2007.